

To: Henry, Tala[Henry.Tala@epa.gov]
From: Morris, Jeff
Sent: Wed 1/22/2014 8:58:45 PM
Subject: FW: ACTION: Chemical Watch re: W. Va spill; ddl: noon on 1/24

Fyi. Let me know if I need to amend this in light of the PMNs.

-----Original Message-----

From: Morris, Jeff
Sent: Wednesday, January 22, 2014 2:53 PM
To: Garvin, Shawn
Cc: Stanton, Larry; Grant, Brian; Sadowsky, Don; Cleland-Hamnett, Wendy; Jones, Jim
Subject: FW: ACTION: Chemical Watch re: W. Va spill; ddl: noon on 1/24

Shawn,

I'm following up on your email to Jim.

It is OPPT's understanding that, in addition to MCHM, the West Virginia tank contained two PPH constituents: propylene glycol phenyl ether (CAS no. 770-35-4), and di-propylene glycol phenyl ether (CAS no. 51730-94-0). This of course should be verified with OSWER.

OPPT has received chemical data reporting for propylene glycol phenyl ether; none of the submitted information was claimed to be confidential business information (CBI). EPA also has data on this chemical because it was subject to the OECD Screening Information Data Set (SIDS) program.

OPPT has not received chemical data reporting for di-propylene glycol phenyl ether. This may be because no reporting would be required if the chemical had not been manufactured or imported above the 25,000 lb annual threshold.

Therefore, while we have seen language in the press about a proprietary PPH mixture, as far as we can tell no information on PPH with proprietary claims has been submitted to the Agency under TSCA.

Enesta's email asks about requiring testing. While EPA has the authority under section 4 of TSCA to issue test rules for data on existing chemicals, to require such testing the Agency must make a hazard or exposure finding. Exposure can be based on non-recurrent or brief exposure if the available evidence indicates that such exposure may pose an unreasonable risk of injury to health or the environment. However, the data we have seen for MCHM and PPH do not suggest there being either a hazard- or an exposure-based rationale for requiring testing under TSCA section 4.

I hope this is helpful. Please let me know if there's any other information we can provide.

Jeff

Jeff Morris
Deputy Director for Programs, Office of Pollution Prevention and Toxics US Environmental Protection Agency

-----Original Message-----

From: Jones, Jim
Sent: Wednesday, January 22, 2014 12:10 PM
To: Garvin, Shawn; duteau, helen; Hodgkiss, Kathy; Bloomgren, David

Cc: White, Terri-A; Behringer, Caroline; Ryan, Daniel; Cleland-Hamnett, Wendy; Morris, Jeff
Subject: Re: ACTION: Chemical Watch re: W. Va spill; ddl: noon on 1/24

Shawn, I asked my team last night what was proprietary or claimed as such. It is not clear to us that the chemical identity has been claimed confidential. As we understand it, the chemical is poly glycol ether. I am copying Jeff Morris who can follow up from our end. Jim

From: Garvin, Shawn
Sent: Wednesday, January 22, 2014 11:48:38 AM
To: duteau, helen; Hodgkiss, Kathy; Bloomgren, David; Jones, Jim
Cc: White, Terri-A; Behringer, Caroline; Ryan, Daniel
Subject: Re: ACTION: Chemical Watch re: W. Va spill; ddl: noon on 1/24

Helen - I am looping in David Bloomgren and Caroline Behringer on this request. I think the questions related to TSCA would be best handled by OPPTS, so I am also copying Jim Jones. I have circulated a copy of David's edits to the draft statement we prepared, and I am running it by Kathy and her folks to ensure that it is still accurate. We should look to get that out ASAP.

David - Are you taking the lead on distribution? I think all of the requests on the PPH issue came into HQ yesterday.

Thanks - Shawn

From: duteau, helen
Sent: Wednesday, January 22, 2014 11:28:15 AM
To: Garvin, Shawn; Hodgkiss, Kathy
Cc: White, Terri-A
Subject: Fw: ACTION: Chemical Watch re: W. Va spill; ddl: noon on 1/24

Shawn,

I'll let HQ know we are working on a final statement. I mentioned the letter from SEJ at yesterday's RA meeting. I think HQ should respond as it was sent to the Administrator.

From: Jones, Enesta
Sent: Wednesday, January 22, 2014 11:23:33 AM
To: Cohen, Nancy; Thomas, Latosha; Deitz, Randy; duteau, helen; Smith, Bonnie; White, Terri-A
Subject: ACTION: Chemical Watch re: W. Va spill; ddl: noon on 1/24

I am writing a follow up story to the one we did last week on the West Virginia chemical spill in light of EPA's reported revelation that a chemical identified as PPH stripped was leaked into the water system along with crude MCHM. Environmental groups, such as the Environment Defense Fund, have raised questions on the spill and its aftermath and the EPA's response. I am quoting them in my story so would like to have EPA's response to the following questions.

A materials safety data sheet for PPH stripped describes the substance as consisting of 100% polyglycol ethers but withholds the substance's specific chemical identity as proprietary.

Will the EPA use its authority under TSCA to compel disclosure of the identity of PPH. Section 149a)(3) of TSCA provides that CBI shall be disclosed if the EPA Administrator determines it necessary to protect health or the environment against an unreasonable risk of injury to health or the environment.

In its response, Eastman Chemical Company claims the EPA has the authority to address concerns with specific chemicals even they had been grandfathered in 1976. Is the statement correct. If yes, does the agency propose to require testing and other data for crude MCHM.

Separately, the Society Environmental Journalists and another media organization have in a letter to the EPA Administrator charged the agency and the CDC with a lack of openness during this crisis. Can you respond?

Link to letter (<http://www.sej.org/sej-spj-say-agency-media-obstacles-hurt-public-confidence-water-safety>)

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